19 43 **File No.** Saving Banks II / 43

Legal Department
R **BRANCH**

Subject:- Rules and Notifications under the Government Saving Bank Act 1873

II / 3 / E)

File No. Savings Banks 11/43

Gen. 194 e.

442-R

Office of the R.L.A.

A revised draft notification is sent herewith.

2. Section 4 of the Government Savings Bank Act, 1873, was recently amended by the Government of India with a view to raise recently amended by the Government of India with a view to raise the power of the Postmaster General regarding payment of saving Bank balances at the credit of a deceased depositer without production of a probate of his will, a letter of administration ~~xxxx

undertaken to achieve the end in view the relevant portion of the section as amended xxxxx would have run thus :-

"Where the amount of the deposit belonging to the estate of deceased depositor does not exceed five thousand rupees such amount shall be excluded in computing the fees chargeable, under the Court-fees Act, 1870 , on the probate, or letters of administration, or certificate (if any) granted in respect of his property, "

Since section 8 as it stands excludes the amount of deposit not exceeding three thousand rupees in computing the fee chargeable under the Court fees Act, the Government of India in their subsequent letter of 12th July 1943 have suggested that notification under section 35 of the Court-fees Act may remit court-fees payable in respect of a certificate for deposits in the Government Savings Bank exceeding Rs. 3,000/- but not exceeding Rs. 5,000/- . It is therefore clear that the intention throughout is to remit Court-fees on the amount of deposit in a Government Savings Bank belonging to a deceased depositor if such amount does not exceed Rs. 5,000/- Clause (b) in the H.D. draft notification at page 27 which purports to remit the Court.fees in respect of the first Rs. 5,000/-. If the amount exceeds Rs. 5,000/- is contrary to the intention of Government apparent from the H.D. papers and is therefore omitted in he revised draft.

Id/- P.B.M.
dt/- 4/10/

Remembrancer of Legal Affairs.

U.R. to H.D. No. 6680 dated the 5th October 1943.

VVk. 14/7/56/ 5(

NOTIFICATION.

Home Department.

Bombay Castle, October 1943.

Courtfees Act, 1870-

No. 6438.- In exercise of the powers conferred by section 35 of the Court-fees Act 1870(VII of 1870), the Government of Bomb is pleased to remit in the Province of Bombay the whole of the fees leviable under Articles 11,12 and 12(A) of the First Schedule to the said Act, on the amount of deposit in a Government Savings Bank belonging to the estate of a deceased depositor, in respect of which thegrant of probate or letters of administration, with of without will anneded, is made or whibh is specified in a certificate issued under Part X if the Indian Succession Act, 1925 (XXXIX of 1925) , or in a certificate issued under Bombay Regulation No. VIII of 1827, if such amount exceeds Rs. 3,000/- but does not exceed Rs. 5000/-.

By order of the Governor of Bombay ,

Secretary to Government.

VVK. 14/7/56/

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